THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:06-CT-3135-FL

JOSEPH JOHN URBANIAK, JR. Plaintiff,)	
v. SGT. DONNIE STANLEY, et al., Defendants.)))))	RESPONSE TO SHOW CAUSE ORDER
	No. 5:07-CT-3145-H	
EDWARD ALLEN, et al., Plaintiffs, v. THEODIS BECK, et al., Defendants.))))))	RESPONSE TO SHOW CAUSE ORDER

NOW COME the parties, in response to the Court's show cause order, and respectfully ask the Court <u>not</u> to set the case for trial. The parties are continuing to work cooperatively to ensure that the N.C. Department of Correction's system of screening publications sent to inmates is consistent both with inmates' First Amendment rights and with DOC's interest in operating a secure and orderly prison system. Some details still remain to be worked out before the parties are ready to submit a proposed consent judgment. In particular, DOC has produced, at the request of N.C. Prisoner Legal Services, a publications training video for DOC employees. Producing the video took time. PLS is in the process of reviewing that video, but work on PLS's other cases has

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delayed the reviewing process. The parties anticipate that finalizing the video and finalizing various

other items will be completed within the next few months without the need for Court intervention.

See Taylor v. Freeman, 34 F.3d 266 (4th Cir. 1994) (a court should allow prison authorities an

opportunity to correct institutional deficiencies before injecting itself into a prison's internal

operating affairs). Rushing the process would be counterproductive.

The undersigned attorney for Defendants has prepared this response at the request of, and

with input from, Plaintiffs' attorney, who has reviewed the response and joins in it.

Respectfully submitted, this the 8th day of February, 2010.

ROY COOPER

Attorney General

/s/ J. Philip Allen

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties.

This the 8th day of February, 2010.

/s/ J. Philip Allen Assistant Attorney General